

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GLOBAL INTERACTIVE MEDIA, INC.,

Plaintiff,

v.

BROADCAST INTERACTIVE MEDIA, INC.,

Defendant.

ORDER

18-cv-597-wmc

Following the hearing on plaintiff's motion for default judgment, the court directed plaintiff to: (1) demonstrate why sanctions were not appropriate for its and counsel's failure to disclose the related case before Judge Peterson (17-cv-26), which plaintiff had voluntarily dismissed only after being asked for proof of damages on a motion for default judgment; and (2) provide the same evidentiary support now lacking in its request for default judgment in this case. (Dkt. #72.) Counsel responded by providing that material on July 31, 2019. (Dkt. #73.)

Even setting aside counsel's obligations to identify the related lawsuit, and more importantly, the directly applicable ruling requiring plaintiff to produce proof of damages, counsel should have *at least* sought leave to file the damages information under seal *before* the default judgment hearing itself. Nevertheless, upon providing proof of actual payment in the form of a canceled check or proof of wire transfer with respect to Titan TV -- which may be filed under seal -- the court will take up plaintiff's motion for default judgment. In addition, plaintiff and its counsel are both on notice that any further failure of complete candor to the court -- in this or any other case -- may result in the imposition of monetary sanctions.

Entered this 2nd day of August, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge